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United States District Court
Central District of California

UNITED STATES OF AMERICA vs

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Book Two

Defendant	THOMAS POWELL	Social Security No.	555-91-5383
True Name	Powell, Thomas Michael	Date	OCT - 7 2004
akas	Powell, Thomas Micheal,	Meeting Address	Same
Residence	San Bernardino - Central Detention Center	CLERK, U.S. DISTRICT COURT	
Address	630 East Rialto	CENTRAL DISTRICT OF CALIFORNIA	
	San Bernardino, CA 92408	SANTA ANA OFFICE	
BY		DEPUTY	

EDCR 04-27 VAP

JUDGMENT AND PROBATION/COMMITMENT ORDER

MONTH	DAY	YEAR
10	04	2004

In the presence of the attorney for the government, the defendant appeared in person on this date

COUNSEL

 WITH COUNSEL

Rene Kahn

(Name of Counsel)

PLEA

 GUILTY, and the court being satisfied that there is a factual basis for the pleaNOLO
CONTENDERE NOT
GUILTY

FINDING

There being a finding/verdict of GUILTY, defendant has been convicted as charged of the offense(s) of 18 USC 922 (g)(1) Felon in Possession of Firearm and Ammunition (Single-Count Indictment)JUDGMENT
AND PROB/
COMM
ORDER

The Court asked whether defendant had anything to say why judgment should not be pronounced and the defendant addressed the Court. Because no sufficient cause to the contrary was shown, or appeared to the Court, the Court adjudged the defendant guilty as charged and convicted. The Court adopted the pre-sentence report and ordered that

SPECIAL
ASSESSMENT

The defendant shall pay to the United States a special assessment of \$100, which is due immediately

FINE

Pursuant to Section 5E1 2(e) of the Guidelines, all fines are waived as it is found that the defendant does not have the ability to pay a fine

Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant, Thomas Powell, is hereby committed on Single-Count Indictment to the custody of the Bureau of Prisons to be imprisoned for a term of 30 months

Upon release from imprisonment, the defendant shall be placed on supervised release for a term of 3 years under the following terms and conditions

1 The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to 1 drug test within 15 days of release from imprisonment and at least 2 periodic drug tests thereafter, as directed by the Probation Officer,

2 The defendant shall participate in outpatient substance abuse treatment and submit to drug and alcohol testing, as instructed by the Probation Officer. The defendant shall abstain from using illicit drugs, abusing alcohol, and abusing prescription medications during the period of supervision,

3 During the course of supervision, the Probation Officer, with the agreement of the

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OCT - 7 2004

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defendant and defense counsel, may place the defendant in a residential drug treatment program approved by the United States Probation Office for treatment of narcotic addiction or drug dependency, which may include counseling and testing, to determine if the defendant has reverted to the use of drugs, and the defendant shall reside in the treatment program until discharged by the Program Director and Probation Officer,

4 As directed by the Probation Officer, the defendant shall pay all or part of the costs for defendant's drug treatment to the aftercare contractor during the period of community supervision, pursuant to 18 USC 3672. The defendant shall provide payment and proof of payment as directed by the Probation Officer

• The Court RECOMMENDS a BOP facility in the Upstate New York region or the State of Vermont

• The Court RECOMMENDS participation in the 500 hour drug program

DEFENDANT INFORMED OF RIGHT TO APPEAL

In addition to the special conditions of supervision imposed above, it is hereby ordered that the Standard Conditions of Probation and Supervised Release within this judgment be imposed. The Court may change the conditions of supervision, reduce or extend the period of supervision, and at any time during the supervision period or within the maximum period permitted by law, may issue a warrant and revoke supervision for a violation occurring during the supervision period

This is a direct commitment to the Bureau of Prisons, and the Court has NO OBJECTION should the Bureau of Prisons designate defendant to a Community Corrections Center

October 4, 2004

Date

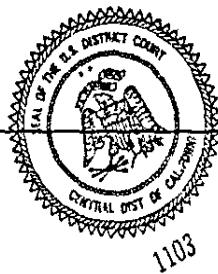
Virginia L. Pinhol
U.S. District Judge

It is ordered that the Clerk deliver a copy of this Judgment and Probation/Commitment Order to the U.S. Marshal or other qualified officer

Sherri R. Carter, Clerk

By Rehfeld
Deputy Clerk

Oct 4, 2004
Filed Date



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The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall comply with the additional conditions on the attached page(s) pursuant to General Orders 318 and 01-05

STATUTORY PROVISIONS PERTAINING TO PAYMENT AND COLLECTION OF FINANCIAL SANCTIONS

The defendant shall pay interest on a fine or restitution of more than \$2,500, unless the court waives interest or unless the fine or restitution is paid in full before the fifteenth (15th) day after the date of the judgment pursuant to 18 U S C §3612(f)(1). Payments may be subject to penalties for default and delinquency pursuant to 18 U S C §3612(g). Interest and penalties pertaining to restitution, however, are not applicable for offenses completed prior to April 24, 1996.

If all or any portion of a fine or restitution ordered remains unpaid after the termination of supervision, the defendant shall pay the balance as directed by the United States Attorney's Office 18 U S C §3613

The defendant shall notify the United States Attorney within thirty (30) days of any change in the defendant's mailing address or residence until all fines, restitution, costs, and special assessments are paid in full 18 U S C §3612(b)(1)(F)

The defendant shall notify the Court through the Probation Office, and notify the United States Attorney of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay a fine or restitution, as required by 18 U S C §3664(k). The Court may also accept such notification from the government or the victim, and may, on its own motion or that of a party or the victim, adjust the manner of payment of a fine or restitution-pursuant to 18 U S C §3664(k). See also 18 U S C §3572(d)(3) and for probation 18 U S C §3563(a)(7)

Payments shall be applied in the following order

- 1 Special assessments pursuant to 18 U S C §3013,
- 2 Restitution, in this sequence
 - Private victims (individual and corporate),
 - Providers of compensation to private victims,
 - The United States as victim,
- 3 Fine,
- 4 Community restitution, pursuant to 18 U S C §3663(c), and
- 5 Other penalties and costs

SPECIAL CONDITIONS FOR PROBATION AND SUPERVISED RELEASE

As directed by the Probation Officer, the defendant shall provide to the Probation Officer (1) a signed release authorizing credit report inquiries, (2) federal and state income tax returns or a signed release authorizing their disclosure and (3) an accurate financial statement, with supporting documentation as to all assets, income and expenses of the defendant. In addition, the defendant shall not apply for any loan or open any line of credit without prior approval of the Probation Officer.

The defendant shall maintain one personal checking account. All of defendant's income, "monetary gains," or other pecuniary proceeds shall be deposited into this account, which shall be used for payment of all personal expenses. Records of all other bank accounts, including any business accounts, shall be disclosed to the Probation Officer upon request.

The defendant shall not transfer, sell, give away, or otherwise convey any asset with a fair market value in excess of \$500 without approval of the Probation Officer until all financial obligations imposed by the Court have been satisfied in full.

USA vs THOMAS POWELLDocket No EDCR 04-27 VAP**STANDARD CONDITIONS OF PROBATION AND SUPERVISED RELEASE**

While the defendant is on probation or supervised release pursuant to this judgment

- 1 The defendant shall not commit another Federal, state or local crime,
- 1 the defendant shall not leave the judicial district without the written permission of the court or probation officer,
- 2 the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month,
- 3 the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer,
- 4 the defendant shall support his or her dependents and meet other family responsibilities,
- 5 the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons,
- 6 the defendant shall notify the probation officer within 72 hours of any change in residence or employment,
- 7 the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician,
- 8 the defendant shall not frequent places where controlled substances are illegally sold, used, distributed or administered,
- 9 the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer,
- 10 the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer,
- 11 the defendant shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer,
- 12 the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court,
- 13 as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to conform the defendant's compliance with such notification requirement,
- 14 the defendant shall not possess a firearm or other dangerous weapon,
- 15 the defendant shall, upon release from any period of custody, report to the probation officer within 72 hours

These conditions are in addition to any other conditions imposed by this judgment

RETURN

I have executed the within Judgment and Commitment as follows

Defendant delivered on _____ to _____

Defendant noted on appeal on _____

Defendant released on _____

Mandate issued on _____

Defendant's appeal determined on _____

Defendant delivered on _____ to _____
at _____

the institution designated by the Bureau of Prisons, with a certified copy of the within Judgment and Commitment

United States Marshal

By _____

Date _____

Deputy Marshal _____

CERTIFICATE

I hereby attest and certify this date that the foregoing document is a full, true and correct copy of the original on file in my office, and in my legal custody

October 4, 2004

Filed Date

Clerk, U S District Court

Deputy Clerk



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NOTICE PARTY SERVICE LIST

Case No. EDCR 04-27 VAP

Case Title THOMAS POWELL

Title of Document Judgment & Probation/Commitment Order

Atty Stlmnt Officer
BAP (Bankruptcy Appellate Panel)
Beck, Michael J (Clerk, MDL Panel)
BOP (Bureau of Prisons)
CA St Pub Defender (Calif State PD)
CAAG (California Attorney General's Office - Keith Borjon, L A Death Penalty Coordinator)
Case Asgmt Admin (Case Assignment Administrator)
Catterson, Cathy (9 th Circuit Court of Appeal)
Chief Deputy Admin
Chief Deputy Ops
Clerk of Court
Death Penalty H/ C (Law Clerks)
Dep In Chg E Div
Dep In Chg So Div
<input checked="" type="checkbox"/> Fiscal Section
Intake Supervisor
Interpreter Section
PIA Clerk - Los Angeles (PIALA)
PIA Clerk - Riverside (PIAED)
PIA Clerk - Santa Ana (PIASA)
PSA - Los Angeles (PSALA)
<input checked="" type="checkbox"/> PSA - Riverside (PSAED)
PSA - Santa Ana (PSASA)
Schnack, Randall (CJA Supervising Attorney)
Statistics Clerk
Stratton, Maria - Federal Public Defender

US Attorneys Office - Civil Division - L A
US Attorneys Office - Civil Division - S A
US Attorneys Office - Criminal Division - L A
US Attorneys Office - Criminal Division - S A
US Bankruptcy Court
US Marshal Service - Los Angeles (USMLA)
<input checked="" type="checkbox"/> US Marshal Service - Riverside (USMED)
US Marshal Service - Santa Ana (USMSA)
<input checked="" type="checkbox"/> US Probation Office (USPO)
US Trustee's Office
Warden, San Quentin State Prison, CA

ADD NEW NOTICE PARTY (if sending by fax, mailing address must also be provided)
Name _____
Firm _____
Address <i>(include suite or floor)</i> _____

*E-mail _____
*Fax No _____

*For Civil cases only

JUDGE / MAGISTRATE JUDGE (list below).	
_____	_____
_____	_____
_____	_____
_____	_____

Initials of Deputy Clerk 